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2 **UNITED STATES DISTRICT COURT**
3 **NORTHERN DISTRICT OF CALIFORNIA**
4 **OAKLAND DIVISION**

5 IN RE: SOCIAL MEDIA ADOLESCENT
6 ADDICTION/PERSONAL INJURY
7 PRODUCTS LIABILITY LITIGATION

MDL No. 3047

8 THIS DOCUMENT RELATES TO:

Case No. 4:22-md-03047-YGR

9 ALL ACTIONS

Honorable Yvonne Gonzalez Rogers

**[PROPOSED] USER DATA CONSENT
ORDER**

10 The parties, through their undersigned counsel, hereby stipulate and respectfully request that
11 the Court enter this User Data Consent Order to govern production of User Data by Defendants in
12 personal injury cases coordinated in this MDL. The parties declare in support of this request:

- 13 1. Personal injury Plaintiffs in this MDL bring claims related to their use of Defendants'
14 platforms (Facebook, Instagram, Snapchat, TikTok, and YouTube).
- 15 2. Personal injury Plaintiffs have requested and expect to further request production of various
16 categories of user-specific data, including the contents of accounts that Plaintiffs identify and
17 confirm belong to them.
- 18 3. The Court has previously ordered a process by which personal injury Plaintiffs submit to each
19 Defendant a Plaintiff User Account Preservation Form that contains identifying information
20 that the Defendant may use to assist in efforts to identify and preserve a Plaintiff's User
21 Accounts; the Defendant in turn submits to Plaintiff a User Account Identification Form
22 containing certain basic subscriber information about user accounts that the Defendant has
23 reason to believe are or were registered to the Plaintiff based on the Defendant's reasonable
24 investigation in this action; then, personal injury Plaintiffs submit a signed Plaintiff User
25 Account Confirmation and Consent Form that confirms whether the User Accounts identified
26 in the User Account Identification Form are the same as the User Accounts identified in
27 the User Account Preservation Form.

- 1 by the Defendant in the User Account Identification Form are registered to the personal injury
2 Plaintiff. *See* User Account Information Order, Dkt. No. 616 (January 29, 2024).
- 3 4. Defendants submit that they are providers subject to the Stored Communications Act, 18
4 U.S.C. §§ 2701, et seq., and as such are not permitted to knowingly divulge the contents of
5 users' communications except under the circumstances enumerated in 18 U.S.C. § 2702(b),
6 including where the provider has obtained "the lawful consent of the originator or an
7 addressee or intended recipient of such communication." 18 U.S.C. § 2702(b)(3).
- 8 5. Whether the Stored Communication Act applies to the instant proceedings is a disputed issue
9 that this Order does not address.
- 10 6. To the extent the Stored Communications Act applies, Defendants' production of certain of
11 the user-specific data described above would require Defendants to divulge the contents of
12 users' communications.
- 13 7. The Court hereby FINDS that by filing litigation against Defendants related to personal injury
14 Plaintiffs' use of Defendants' platforms, and by identifying user accounts through the process
15 described in Paragraph 3 of this Order, personal injury Plaintiffs have lawfully consented to
16 disclosure of their communications relating to litigation of this proceeding, including but not
17 limited to disclosure to Plaintiffs' counsel, Plaintiffs' co-lead counsel and their designee,
18 Defendants, Defendants' counsel, and the court.
- 19 8. For purposes of this Order, the word "Defendants" means only the Defendants named in the
20 case brought by the plaintiff user or person suing on the user's behalf. Any intentional
21 disclosure to a Defendant in the MDL or that Defendant's counsel who is not named in the
22 case brought by the plaintiff user or person suing on the user's behalf is beyond the scope of
23 this Order.
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1 9. Defendants' disclosure of user data relating to the personal injury Plaintiffs in this case is a
2 disclosure compelled by this Order, on which Defendants rely in good faith.
3 10. In the event a Defendant produces user data, and a Defendant, the receiving Plaintiff, or their
4 respective counsel subsequently determines the account was mistakenly believed to be and/or
5 confirmed as having been registered to the Plaintiff, within two business days: (a) counsel
6 shall notify the respective Defendant's or Plaintiff's counsel and identify the specific account
7 at issue; and, within five business days, (b) the receiving Plaintiff shall permanently delete all
8 copies of user data relating to such account in the possession of Plaintiff and their counsel,
9 including materials derived therefrom, and direct any third party to whom they have provided
10 the information to do the same. This Order is not intended to, and does not, resolve any
11 party's objection to production, relevance, authenticity, or admissibility of user data requested
12 or produced in this matter, except as explicitly set forth herein. The parties reserve all such
13 objections.
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16 **IT IS SO ORDERED** that the foregoing Stipulation is approved.
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19 Dated: **July 15, 2024**

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YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

1 Dated: July 12, 2024

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ATTESTATIONS

I, Stephanie Schuster, hereby attest, pursuant to N.D. Cal Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: July 12, 2024

/s/ *Stephanie Schuster*

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